

**The Committee on Energy and Commerce
Subcommittee on Energy and Air Quality
"Funding Options for the Yucca Mountain Repository Program"
Congressman Jim Gibbons
March 10, 2005**

Mr. Chairman, thank you for giving me the opportunity to testify on this important issue.

This is an issue that has always been of the utmost concern to me and to many of my constituents. I represent every county in Nevada, including Nye County which includes the Yucca Mountain waste repository.

As you all probably know I am in strong opposition to Yucca Mountain. It is an unsafe and unsuitable solution to our nuclear waste problem.

However, today, I would like to focus my testimony not on the scientific flaws with the project but on fiscal responsibility. Under no circumstances should the funding for the Yucca Mountain Project be taken off-budget or removed from the tight fiscal control of Congress.

Currently, the nuclear power industry pays into the Nuclear Waste Trust fund based on their Kilo watt per hour power production. As of November 2004, these payments have totaled close to 23 billion dollars. These payments are then designated towards the construction of the Yucca Mountain waste repository. However, these payments are not directly diverted to this ill-advised project, but instead require strict yearly congressional appropriations. Similar to other government trust funds, the balance of the trust fund is put back into the general Treasury account and used to pay off our national debt.

Over the past few years, many of our fellow colleagues have proposed changing the classification of this trust fund and essentially allowing all these monies to be directly used for construction of Yucca Mountain. While many proponents of the Yucca Mountain project have applauded this effort, as Members of Congress and stewards of fiscal responsibility, we should soundly reject this proposal. With the current budget deficit growing out of our control, it is imperative that Congress maintain more control of government spending, not less.

If this proposal is adopted, then Congress will no longer have strict oversight of the current trust fund balance – totaling close to 17 billion dollars! This is approximately 17 billion dollars that has already been used for debt reduction, and will now no longer be under the watchful eye of Congress. This does not even include the future receipts of the trust fund, with an estimated \$1.6 billion being collected in FY 2005 alone. In a time when Republicans on the hill are demanding Congressional oversight on spending, it is hypocritical to then make more spending not subject to strict yearly congressional oversight.

I understand that some will argue that taking the Yucca Mountain project off-budget is not

technically shifting the funding into a mandatory program and that the program will still require yearly congressional oversight. However, I challenge the committee to explain how taking the Yucca Mountain project off-budget does not have the same affect as a mandatory account. I challenge you to explain how such a proposal will not create unnecessary incentives for appropriators to allocate the entire trust fund?

In addition, a recent decision in the federal appeals court ordered that the federal government needs to develop a plan to protect the public against radiation releases beyond the proposed 10,000 years. As a result of the court's decision, the Environmental Protection Agency (EPA) must now promulgate a new safety standard that can show compliance well beyond 10,000 years. These are congressional mandated safety standards which the Department of Energy cannot realistically met. It is this permitting issue—and not funding-- that pose a greater challenge to the future construction of Yucca Mountain.

It would be completely irresponsible for Congress to give the Department of Energy a check for approximately 17 billion dollars for this project, when it is all but certain that the DOE may never open it and certainly cannot meet the strict safety standards set by Congress.

Simply put, taking the Yucca Mountain project off-budget is bad policy, and a poor precedent for Congress to set. If Congress is willing to give the Department of Energy complete control of this trust fund, without any congressional oversight, what message does that send to our constituents throughout this nation? Constituents expect us to hold the line on irresponsible government spending and rein in the growing budget deficit. Removing billions of dollars from our oversight is not an appropriate or responsible budgetary decision.

Thank you for your time and the opportunity to testifying before your committee today.